

### **REMARKS/ARGUMENTS**

Claims 1-25 are currently pending in the present application. Claims 22-25 have been withdrawn from consideration and accordingly, claims 1-21 currently stand rejected by the Examiner. As indicated by the Listing of Claims, claims 1, 5 and 16 have been amended. Claims 26-29 have been submitted for consideration. Support for these new claims can be found in the specification as originally filed.

No new matter has been added by the aforementioned amendments and no estoppels are intended thereby. Applicant has thoroughly reviewed the Office Action and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All of the claims are believed to be patentable over the cited references.

### **CLAIM REJECTIONS – 35 U.S.C. § 103**

Claims 1-3, 13, 14-15, 20, and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baldwin (US 3,612,316) in view of Micale (US 5,806,797) and/or Powell (US 2004/0237439). Applicant respectfully traverses this rejection.

Claims 4-7, 12, 18 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baldwin (US 3,612,316) as modified by Micale (US 5,806,797) and/or Powell (US 2004/0237439) as applied to claim 1 above, and further in view of Owen (US 6,061,982). Applicant respectfully traverses this rejection.

Claims 8 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baldwin (US 3,612,316) as modified by Micale (US 5,806,797) and/or Powell (US

2004/0237439) as applied to claim 1 above, and further in view of Telair International (DE 19712278). Applicant respectfully traverses this rejection.

Claims 10 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baldwin (US 3,612,316) as modified by Micale (US 5,806,797) and/or Powell (US 2004/0237439) as applied to claim 1 above, and further in view of Tovani (US 5,827,022). Applicant respectfully traverses this rejection.

Claims 16 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baldwin (US 3,612,316) as modified by Micale (US 5,806,797) and/or Powell (US 2004/0237439) as applied to claim 1 above, and further in view of Nordstrom (US 7,410,128). Applicant respectfully traverses this rejection.

With respect to the 103 rejections, Applicant has chosen to respond to the above-identified objections with respect to independent claim 1 as the claims depend either directly or indirectly therefrom.

Turning to independent claim 1, the Examiner has objected to claim 1 as being unpatentable over Baldwin (US patent 3,612,316) in view of Micale (US patent 5,806,797) and/or Powell (US patent application publication 2004/0237439). As amended, claim 1 recites that the floor beam is configured and adapted for connection to the skin of the aircraft at a bottom portion of the aircraft, at a first side portion of the aircraft and at a second side portion of the aircraft laterally opposite the first side portion. This described feature is depicted, for example, in Figs 1 and 2.

To the contrary, Baldwin illustrates that the cargo floor 12 extends simply from one side of the fuselage to the other. See, for example, Fig. 1 of Baldwin. Baldwin does not teach or suggest that a floor beam is adapted for connection to a bottom portion of

the aircraft in addition, connected to two laterally opposite sides of the aircraft as recited in the claims.

Micale fails to remedy the above discussed deficiency in Baldwin and the recited features of claim 1. Like Baldwin, Micale solely teaches a floor grid / frame that extends from one side of the fuselage to the other. See, for example, Fig. 17 and 18 of Micale.

Powell, like Micale, fails to remedy the above discussed deficiency in Baldwin as well as it is utterly unrelated to aircraft construction. As one can see upon his or her review of Powell, it is silent as to construction of a cargo floor for an aircraft.

In light of the aforementioned remarks and amendments, withdrawal of the rejection to claim 1 is respectfully requested. Claims 2-21 depend from claim 1 and are believed allowable for at least the reasons set forth above in connection with independent claim 1.

Turning to new claims 26-29, the Examiner has acknowledged that Baldwin does not teach a prefabricated cargo floor module (as recited in new claim 26). In the context in which Micale has been interpreted as teaching or suggesting such prefabrication, Micale insists the floor grid be fastened to the fuselage before the upper "hemisphere" of the fuselage is mounted to complete the cylindrical fuselage (cf. col. 7, lines 24-28 of Micale). Pursuant to the teachings at col. 7, lines 16-23 of Micale, this allows the fuselage to flex, which ensures that the "coordination holes" determine the cross dimension of the fuselage that Micale seeks to improve (cf. col. 1, line 58 to col. 2, line 20 of Micale).

Since the aforementioned, essential teaching of Micale is inconsistent with the features of new claim 26 wherein the prefabricated cargo floor module rests within the

substantially cylindrical fuselage without the prefabricated cargo floor module being connected to the fuselage, Micale cannot bridge the gap between Baldwin and the subject matter of new claim 26.

Applicant respectfully submits that similar considerations apply to new claims 28 and 29 as they each recite that the prefabricated cargo floor module is received and supported by the fuselage substantially at an ultimate position prior to the prefabricated cargo floor module being connected to the fuselage.

Since Powell is utterly unrelated to aircraft construction and is accordingly silent as to construction of a cargo floor for an aircraft, Powell likewise cannot bridge the gap between Baldwin and the subject matter of new claims 26, 28 and 29.

New claim 27 comprises features similar to that of previous claim 1 and features of previous claim 19. The subject matter of new claim 27 is believed to be patentable *inter alia* for reasons as discussed on page 12 of the Response of June 16<sup>th</sup>, 2009 with regard to previous claim 19.

### CONCLUSION


Entry of the Amendment after Final Rejection is requested. The Amendment is believed to overcome the pending rejections. No new matter is added and no new issues are believed to be raised.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is hereby solicited. Any additional fee believed necessary for the consideration of this response is hereby authorized to be charged to Deposit Account No. 50-2036 with regards to Docket No. 59482.21820.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned attorney at (202) 861-1714.

Respectfully submitted,

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